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THE SENATE
STATE OF ARKANSAS

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October 04, 2006

The Honorable Jim Hannah
Chief Justice
Supreme Court of Arkansas
625 Marshall Street
Little Rock, Arkansas 72201

Re: Report of the Legislative Task Force on District Courts

Dear Chief Justice Hannah:

As Co-chair of the Legislative Task Force on District Courts, I am transmitting a report of the actions taken by the Task Force and requesting the court to take under consideration one of the recommendations.

Since the passage of Amendment 80, the Supreme Court and the General Assembly have taken steps with respect to district courts to implement the amendment. In 2002, the court issued a per curiam order which announced the court's vision for the district courts. See *In Re: Amended Supreme Court Statement on Limited Jurisdiction Courts Under Amendment 80*, 351 Ark. Appx. (2002). In that opinion it was stated that:

"[T]he responsibility for implementation ... is shared between the Supreme Court and the General Assembly. ... These policy statements ... are offered as a guide to insure consistency in the measures adopted by the judicial and legislative branches...." 351 Ark. Appx.

The General Assembly charged the Task Force with conducting a comprehensive study of the transition of district judges to state employee status and the funding and role of district courts. Included among the issues the study considered was the effectiveness of utilization of additional district judges or expanding the jurisdiction of existing district judges as an alternative to the creation of additional circuit judgeships.

The recommendation of the task force, on this issue, to the Senate Interim Committee on Judiciary and the House Interim Committee on Judiciary was that the Supreme Court should adopt an administrative rule dealing with the subject matter jurisdiction of district courts, specifically limiting the new order to the judges participating in the pilot program and making reference to district judges rather than magistrates. A draft copy of a proposed Full-time District Judges Administrative Order as recommended by the task force is attached.

As stated by the court in 2005:

"Changes in the civil subject matter jurisdiction of district courts have been considered by the Amendment 80 Committee and the Supreme Court, but the Supreme Court has concluded that no changes will be made at this time although jurisdictional monetary limits and the types of cases heard will continue to be studied, as stated in Administrative Order 18." IN RE: SUPREME COURT AMENDMENT 80 COMMITTEE'S RECOMMENDATIONS FOR LIMITED JURISDICTION COURTS, 360 Ark. Appx. (fn2) (2005)

The task force felt that this proposed administrative order, which is based on local rule 72 of the Federal District Court, would be the most effective way of addressing an issue upon which no agreement has been reached previously.

It is anticipated that legislation will be introduced in the 2007 session which will seek to implement the remaining recommendations of the task force. Admittedly, the enactment of such legislation precedes the need for the court to adopt the proposed order. However, the task force requests the court to begin deliberations on the proposal.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Shawn Wornack (PB)". The signature is written in a cursive, flowing style.

Senator Shawn A. Wornack
District 1

SW/PBB/mw